

## Minnesota Environmental Quality Board

### ORDER ADOPTING RULES

#### Adoption of Rules Governing the Siting and Permitting of Large Electric Power Generating Plants and High Voltage Transmission Lines, Minnesota Rules, Chapter 4400

#### WHEREAS:

1. All notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law have been complied with. Proposal of the rules was authorized by the Environmental Quality Board at its meeting on, June 20, 2002, and a quorum was present.
2. The Minnesota Environmental Quality Board adopts the Administrative Law Judge's Report dated November 21, 2002, and incorporates the Report into this Order, except as described below.
3. The language in part 4400.1050 [Permit Fees], subp. 2 is amended to read:

Subp. 2. Initial payment. The applicant shall submit with the application ~~50-25~~ percent of the total estimated fee, or up to 50 percent of the total estimated fee if the board determines that the additional percentage is reasonably necessary to complete the site evaluation and design process. ~~another lesser portion that the chair deems satisfactory.~~ The chair shall not process a permit application until the first portion of the fee is submitted. The EQB shall deposit all money received from the applicant for permit fees in a special account.
4. The reason for this change is to make the language conform to the statutory language in Minnesota Statutes section 116C.69, subd. 2.
5. This change in the language for part 4400.1050, subp. 2 does not make the rule substantially different from what was proposed because payment of fees is within the scope of the notice that was given, persons who will have to pay the fees had fair warning that fees were part of this proceeding, the change in the language does not really change the effect of the rule, and the change is simply to conform the language to the statute.
6. The rules are needed and reasonable.
7. The rules were adopted by the board at its meeting on December 19, 2002, a quorum was present, and the undersigned was authorized to sign this order.

**IT IS ORDERED** that the above-captioned rules, in the form set out in the Revisor of Statutes draft, file number AR3338, dated December 5, 2002, are adopted pursuant to authority vested in the Minnesota Environmental Quality Board by Minnesota Statutes, section 116.66

December 19, 2002

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Gene Hugoson, Chair  
Environmental Quality Board